

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #4	CCRB Case #: 201805443	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/05/2018 2:30 AM	Location of Incident: Southwest corner 7th Avenue and West 138th Street	Precinct: 32	18 Mo. SOL 1/5/2020	EO SOL 1/5/2020	
Date/Time CV Reported Sat, 07/07/2018 7:40 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 07/07/2018 7:40 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Carlos Gonzalez	18642	940200	032 PCT
2. SGT Christophe Chance	5036	944426	032 PCT
3. An officer			032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Rory Dahill	03042	954690	032 PCT
2. POF Margaret Stanton	08181	952451	032 PCT
3. POF Yoojin Park	11511	962660	032 PCT
4. POM Nicholas Corso	19809	958438	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Christophe Chance	Discourtesy: Sergeant Christopher Chance spoke discourteously to § 87(2)(b)	
B.POM Carlos Gonzalez	Off. Language: Police Officer Carlos Gonzalez made remarks to § 87(2)(b) based upon race.	
C.POM Carlos Gonzalez	Off. Language: Police Officer Carlos Gonzalez made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
D. An officer	Force: An officer pointed his gun at § 87(2)(b)	
E. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	

Case Summary

On July 7, 2018, § 87(2)(b) filed the following complaint with the CCRB via the on-line website. On July 5, 2018, at approximately 2:30 a.m., § 87(2)(b) and her boyfriend, § 87(2)(b) were in the midst of a vehicle stop conducted by Police Officer Carlos Gonzalez and Sergeant Christopher Chance of the 32nd Precinct at the intersection of 7th Avenue and West 138th Street in Manhattan. Sgt. Chance allegedly spoke discourteously to § 87(2)(b) (**Allegation A- Discourtesy**, § 87(2)(g)). PO Gonzalez allegedly made remarks to § 87(2)(b) based on her race and gender (**Allegation B and Allegation C- Offensive Language**, § 87(2)(g)). An unidentified officer allegedly pointed his gun at § 87(2)(b) (**Allegation D- Force**, § 87(2)(g)) and spoke discourteously to § 87(2)(b) (**Allegation D- Discourtesy**, § 87(2)(g)). § 87(2)(b) was arrested for a multitude of offenses including § 87(2)(b).

(Board Review 1). § 87(2)(b)'s vehicle was transported to the 32nd Precinct and vouchered as arrest evidence (Board Review 2). § 87(2)(b) was not arrested or issued any summonses as a result of the incident.

There is no known video footage of the incident.

Findings and Recommendations

Allegation A- Discourtesy: Sergeant Christopher Chance spoke discourteously to § 87(2)(b)

It is undisputed that after being pulled over for an alleged forged license plate, PO Gonzalez suspected § 87(2)(b) was under the influence of alcohol. It is undisputed that § 87(2)(b)'s § 87(2)(b)-year-old son, § 87(2)(b) was in the back seat of the vehicle. While PO Gonzalez attempted to administer portable breathalyzer tests (PBTs), it is undisputed that § 87(2)(b) exited the vehicle multiple times to protest § 87(2)(g). It is undisputed that Sgt. Chance inquired about the pedigree and guardianship of § 87(2)(b) and § 87(2)(b) was not compliant in answering Sgt. Chance's questions § 87(2)(g).

§ 87(2)(b) testified (Board Review 3) that she exited the vehicle when the first PBT was administered on § 87(2)(b) and Sgt. Chance told § 87(2)(b) to "mind her own damn business." § 87(2)(b) exited the vehicle when the second PBT was administered and Sgt. Chance told § 87(2)(b) to, "Shut the fuck up and mind her own business." Sgt. Chance inquired about § 87(2)(b)'s information, to which § 87(2)(b) refused to provide. Sgt. Chance told § 87(2)(b) to answer his "fucking questions." After § 87(2)(b) continued to refuse § 87(2)(b)'s information, Sgt. Chance stated, "Fuck it. Fuck everything. Take the damn baby, and take this fucking car." When § 87(2)(b) protested, Sgt. Chance told § 87(2)(b) that he did not have time for this "shit" and she should have answered his "fucking questions." § 87(2)(b) denied she had consumed any alcohol prior to the incident. In her telephone statement (Board Review 4), § 87(2)(b)

§ 87(2)(b) stated that she had a margarita a few hours prior to the incident. § 87(2)(b) alleged that Sgt. Chance used discourteous language towards and the alleged discourteous language varied slightly from what she testified to her in sworn statement.

Sgt. Chance testified (Board Review 5) and denied the specific discourteous language allegations and denied using any profanity towards § 87(2)(b) during the entirety of the incident.

§ 87(2)(b) was unavailable and the investigation was unable to obtain a statement.

PO Gonzalez, PO Stanton, PO Dahill, PO Park, and PO Corso all testified (Board Review 6-10) and denied hearing Sgt. Chance say the specific discourteous language allegations and denied hearing Sgt. Chance use any profanity towards § 87(2)(b) during the course of the interaction.

§ 87(2)(g)

Allegation B- Offensive Language: Police Officer Carlos Gonzalez made remarks to § 87(2)(b) based upon race.

Allegation C- Offensive Language: Police Officer Carlos Gonzalez made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

§ 87(2)(b) testified (Board Review 3) that PO Gonzalez yelled, “Get this black bitch away from the car. Get this black bitch away from the car” while § 87(2)(b) stood nearby her vehicle as § 87(2)(b) was being removed from the vehicle. In her telephone statement (Board Review 4), § 87(2)(b) alleged an unidentified responding male officer stated, “Get that nigger bitch.” § 87(2)(b) did not make any allegations against PO Gonzalez in her telephone statement.

PO Gonzalez testified (Board Review 6) and denied the specific offensive language allegations and denied making any remarks to § 87(2)(b) regarding her race and gender.

Sgt. Chance, PO Stanton, PO Dahill, PO Park, and PO Corso all testified (Board Review 5, 7-10) and denied hearing PO Gonzalez make the specific offensive language remarks and denied hearing PO Gonzalez make any remarks to § 87(2)(b) regarding her race and gender.

§ 87(2)(g)

Allegation D- Force: An officer pointed his gun at § 87(2)(b)

Allegation E- Discourtesy: An officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified (Board Review 3) that she attempted to enter back into the vehicle to retrieve property, and an unidentified white male officer pointed his gun at § 87(2)(b)'s torso area for approximately five seconds. The unidentified white male officer stated, "Back the fuck up." § 87(2)(b) testified that the alleged subject officer responded later to the incident with another white male officer. § 87(2)(b) did not make these allegations during her phone statement (Board Review 4) or her initial complaint (Board Review 11).

The investigation determined that four officers responded after the initial vehicle stop, but that only two were males, PO Dahill and PO Corso. Both PO Dahill and PO Corso were working with female partners on the date of the incident.

All the officers testified (Board Review 5-10) and denied seeing an officer point their gun at § 87(2)(b) and instruct her to, "Back the fuck up."

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
- Sgt. Chance has been a member of service for 11 years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- PO Gonzalez has been a member of service for 12 years and has been a subject in four CCRB complaints and nine allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.

§ 87(2)(b) § 87(2)(c)

- As of August 14, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 16).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date